IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.8462-M of 2007
Date of Decision:- 18.09.2007

Kulwant Singh ....Petitioner(s)

through
Mr.Rakesh Nehra, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.430 dated 5.8.2003 under Sections 498-A/406/34 IPC registered at Police Station, City Rohtak as well as the proceedings arising therefrom, qua the petitioner.

One of the contentions raised on behalf of the petitioner is that he is the brother-in-law of the complainant, namely, husband of her elder sister, therefore, in the absence of any direct relationship with the husband of the complainant, the so-called offence committed by him does not fall within the mischief of Section 498-A/406 IPC.

It, however, appears from the record that after issuance of notice of motion, the petitioner was granted exemption from personal appearance vide order dated May 24, 2004.

During this interregnum of more than three years, as informed by learned State counsel, charges were framed and a substantial part of the

prosecution evidence has been led.

The aforesaid stand has been taken by the learned State counsel in the written statement also.

Having regard to the above-stated stage of the trial, I do not deem it necessary to go into the contents raised on behalf of the petitioner so that no prejudice is caused to the ongoing trial which is at the verge of completion. However, in order to obviate any hardship to the petitioner, this petition is disposed of with liberty to him to raise all his contentions before the learned trial Court at an appropriate stage which shall be taken into consideration in accordance with law. Further, the interim order dated May 24, 2004 whereby the petitioner was granted appearance from personal appearance is made absolute, however, subject to the conditions that he (i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute his identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel; (v) the petitioner shall appear before the learned trial Court as and when directed by the learned trial Court; and (vi) any other condition which the learned trial Court may impose.

September 18, 2007 **(SURYA KANT)**
poonam **JUDGE**